

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DONALD RICHARD CHILDS II,

Plaintiff,

v.

CAESARS PALACE CORP.,

Defendant.

Case No. 2:14-cv-01572-MMD-CWH

ORDER

Before the Court are Defendant Caesars Palace Corp.'s ("Defendant") motion to dismiss complaint and motion for a more definite statement (dkt. nos. 5, 6) and Plaintiff's motion for leave to amend and motion for permission to present proposed amendments (dkt. nos. 12, 18).

Fed. R. Civ. P. 15(a)(1)(B) provides for a party to "amend its pleadings once as a matter of course . . . if the pleading is one to which a responsive pleading is required, 21 days after service of the responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Defendant filed its motion to dismiss under Rule 12(b)(6) and alternative motion for a more definite statement under Rule 12(e) on October 1, 2014. (Dkt. nos. 5, 6.) Plaintiff moved for leave to amend six (6) days later on October 7, 2014. (Dkt. no. 12.) Because Plaintiff's motion falls within the 21-day period for amendment "as a matter of course," Plaintiff is not required to seek leave of Court.

1 It is therefore ordered that Plaintiff's motion to amend (dkt. no. 12) is granted. It is
2 further ordered that the following motions are denied as moot: (1) Defendant's motion
3 to dismiss (dkt. no. 5); (2) Defendant's motion for a more definite statement (dkt. no. 6);
4 and (3) Plaintiff's motion for permission to present proposed amendments (dkt. no. 18).
5 Plaintiff has thirty (30) days from the date of this Order to file his first amended
6 complaint. The first amended complaint must be a complete document in and of itself,
7 and will supersede the original complaint in its entirety. Any allegations, parties, or
8 requests for relief from prior papers that are not carried forward in the amended
9 complaint will no longer be before the Court. Plaintiff must utilize the Court's civil rights
10 complaint form pursuant to LSR 2-1. Plaintiff may find the Civil Rights Complaint form at
11 (<http://www.nvd.uscourts.gov/Files/42.1983%20Civil%20Rights%20Complaint.pdf>) and
12 instructions on the District of Nevada website for pro se litigants
13 (http://www.nvd.uscourts.gov/files/pro_se%20guide.pdf).

14
15 DATED THIS 28th day of October 2014.

16
17 
18
19
20
21
22
23
24
25
26
27
28
MIRANDA M. DU
UNITED STATES DISTRICT JUDGE